

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CIRBA INC. (d/b/a/ DENSIFY)
and CIRBA IP, INC.,

Plaintiffs,

v.

VMWARE, INC.,

Defendant.

Civil Action No. 1:19-cv-00742-LPS

JURY TRIAL DEMANDED

**PLAINTIFFS' MOTION TO SEVER
DEFENDANTS' PATENT INFRINGEMENT COUNTERCLAIMS**

Plaintiffs Cirba Inc. and Cirba IP, Inc. ("Densify") move to sever Defendant VMWare Inc.'s patent infringement counterclaims, Counts 1-4, from this action under Rule 21 of the Federal Rules of Civil Procedure and the Court's discretion. Densify respectfully requests that the Court sever these claims into a separate action. The grounds for this motion are set forth in Densify's Opening Brief in Support of its Motion to Sever Defendant's Patent Infringement Counterclaims.

Pursuant to Local Rule 7.1.1, Densify met and conferred with VMware about the relief sought in this motion and understands that VMware will not, at this time, consent to severance or expedition.

A proposed order is attached to this motion.

Dated: August 27, 2019

Respectfully submitted,

/s/ Kenneth L. Dorsney

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**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO SEVER
DEFENDANTS' PATENT INFRINGEMENT COUNTERCLAIMS**

Before the Court is Plaintiffs' Motion to Sever Defendant's Patent Infringement Counterclaims. Upon consideration, the Court has determined that Plaintiffs' Motion is GRANTED. It is therefore ordered that Defendant's Counterclaims 1-4 are hereby severed into a separate action.

Executed this ___ day of _____, 2019.

By _____

Hon. Leonard P. Stark
United States District Judge